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Rec'd PCT/PTO 10 FEB 2005

10/507146

FACSIMILE TRANSMISSION**RECEIVED**

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DATE: FEBRUARY 10, 2005

To:

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Legal Staff
International Division

NAME	FAX NO.	PHONE NO.
MS PCT - Office of PCT Legal Administration	571-273-0459	

FROM: Barbara M. Hayashi

RE:

OUR REF: 100750.0001US	NUMBER OF PAGES, INCLUDING COVER: 9
10/507146	
INTRODUCTION OF CYANIDE WASTE AS A NOX REDUCTANT	
CEMENT - DAVID LONG	

MESSAGE:

Attached: 1) Petition for Revival; 2) Copy of Decision 2 pages; 3) Copy of US National Phase Transmittal Letter 4 pages.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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PTO/SB/64/PCT (12-04)

Approved for use through 03/31/2007 OMB 0851-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
(Optional)

100750.0001US

First Named Inventor: LONG, David

International (PCT) Application No.: PCT/US02/25217

U.S. Application No.: 10/507,146
(if known)

Filed: August 7, 2002

Title: Introduction of Cyanide Waste as a Nox Reductant

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional

1. Petition fee

- ☒ Small entity - fee \$685.00 (37 CFR 1.17(m)) Applicant claims small entity status.
See 37 CFR 1.27. The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 502191.
- ☐ Other than small entity - fee \$ (37 CFR 1.17(m))

2. Proper reply

- A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Entry Into US National Phase Under Chapter II (identify type of reply)

☒ has been filed previously on September 8, 2004

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

2/10/05

Date

FISH, Robert D.

Typed or Printed Name

33880

Registration Number, if applicable

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Address

(714) 641-5100

Telephone Number

Costa Mesa, CA 92626 US

Address

Enclosures: ☐ Response☒ Fee Payment Please charge any required fees to Deposit Account No. 502191.☐ Terminal Disclaimer☒ Other (please identify) Copy of Decision issued January 31, 2005 and US National Phase Transmittal



31 JAN 2005
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Robert D. Fish
Rutan & Tucker, LLP
611 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

In re Application of
Long

Application No.: 10/507,146

PCT No.: PCT/US02/25217

Int. Filing Date: 07 August 2002

Priority Date: 08 August 2001

Attorney Docket No.: 100750.0001US

For: Introduction Of Cyanide Waste As A NOx Reactant :

DECISION

This is in response to the petition under 37 CFR 1.137(b) filed 08 September 2004.

BACKGROUND

This international application was filed on 07 August 2002, claimed an earliest priority date of 08 August 2001, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 February 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 February 2004. This international application became abandoned with respect to the United States for failure to timely pay the requisite basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply (in the form of the basic national fee) has not been paid. It is noted that the petition references a "fee payment," but no evidence of such payment is present. The accompanying Transmittal Letter requests that the USPTO "Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above," but no reference to a specific deposit account or other source of funds is made.

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Appln. No. 10/507,146

Page 2

Regarding requirement (2), the petition fee has not been paid (*cf.* discussion of element 1).

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

Any further correspondence regarding this matter should be addressed to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
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Practitioner's Docket No. 100750.0001US

CHAPTER II

Preliminary Classification.
Proposed Class:
Subclass:

**TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)**

PCT/US02/25217	07 August 2002 (7.08.02)	08 August 2001 (8.08.01)
International Application No.	International Filing Date	Priority Date Claimed

Introduction of Cyanide Waste as a Nox Reductant
Title of Invention

Cement Industry Environmental Consortium
Applicant(s)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: EO/US

EXPRESS MAILING UNDER 37 C.F.R. § 1.10**(Express Mail label number is mandatory.)**(Express Mail certification is optional)*

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Date:

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Sara L. Geer

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442

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1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. § 371:

- a. This express request to immediately begin national examination procedures (35 U.S.C. § 371(f)).
- b. The U.S. National Fee (35 U.S.C. § 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2. Fees

CLAIMS FEE*	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	19 - 20 =	0	x \$ 18.00 =	\$0.00
	INDEPENDENT CLAIMS	3 - 3 =	0	x \$ 86.00 =	0.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 290.00	\$0.00
BASIC FEE	U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY				
	Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO:				
	and the above requirements are not met (37 C.F.R. § 1.492(a)(1))....\$730.00				730.00
	Total of above Calculations				= 730.00
SMALL ENTITY	Reduction by 1/2 for filing by small entity, if applicable. Assertion must be made (note 37 C.F.R. § 1.27)				- 365.00
	Subtotal				365.00
	Total National Fee				\$365.00
	Fee for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally				\$665.00
TOTAL	Total Fees enclosed				\$1030.00

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate copy of this sheet is enclosed.

Assertion of Small Entity Status

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.

3. A copy of the International application as filed (35 U.S.C. § 371(c)(2)) is not required, as the application was filed with the United States Receiving Office.
4. A translation of the International application into the English language (35 U.S.C. § 371(c)(2)) is not required as the application was filed in English.
5. Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. § 371(c)(3)) have been transmitted by applicant on 19 February 2003.
6. A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. § 371(c)(3)) is not required as the amendments were made in the English language.
7. A copy of the international examination report (PCT/IPEA/409) Not required
8. Annex(es) to the international preliminary examination report is/are not required as the application was filed with the United States Receiving Office.
9. A translation of the annexes to the international preliminary examination report is not required as the annexes are in the English language.
10. An oath or declaration of the inventor (35 U.S.C. § 371(c)(4)) complying with 35 U.S.C. § 115 will follow.
- II. Other document(s) or information included:
11. An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a) is not required, as the application was searched by the United States International Searching Authority.
12. An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98 will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. § 371(c).
13. The above items are being transmitted after 30 months from any claimed priority date.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

Please charge, in the manner authorized above, the following additional fees that may be required by this paper and during the entire pendency of this application:

37 C.F.R. § 1.492(a)(1), (2), (3), and (4) (filing fees)

37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

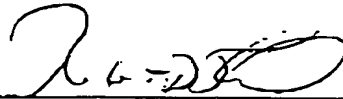
37 C.F.R. § 1.17 (application processing fees)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).

Date: _____

9/8/04



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